

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 05-80102-WRS
Chapter 13

EDDIE N. BERRY,

Debtor

EDDIE N. BERRY,

Plaintiff

Adv. Pro. No. 05-8008-WRS

v.

HOMEQ SERVICING CORPORATION,

Defendant

MEMORANDUM DECISION

This Adversary Proceeding is before the Court on the Plaintiff's motion for judgment by default. (Doc . 19). It appears from the record that Defendant HOMEQ Servicing Corporation has been properly served with process. The Plaintiff contends that HOMEQ has a second mortgage on his residence which is wholly unsecured and seeks a determination that the mortgage does not attach. As it appears that the Plaintiff is entitled to judgment, the Court will enter judgment by way of a separate document.

Done this 4th day of January, 2006.

/s/ William R. Sawyer
United States Bankruptcy Judge

c: John M. Caraway Jr., Attorney for Plaintiff
HomeQ Servicing Corporation